



Entered on Docket
November 22, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Fiesta Oak Valley Loan; Except for
Proof of Claim of Stoebling Family Trust;
and Notice of Status Conference re
Stoebling Family Trust**

Hearing Date: October 18, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9072] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; the Stoebling Family Trust having filed a response [DE 9265]; no other response to the Objection having

1 been filed; the Court noting on the record that the disallowance of the Claims listed on
2 **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
3 the collateral securing the Fiesta Oak Valley Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 9072] is sustained;
- 6 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%
7 disallowed because those claims are based entirely upon an investment in the Fiesta Oak
8 Valley Loan; and
- 9 3. The Stoebling Family Trust Proof of Claim No. 10725-00945 scheduled for a
10 status hearing on November 15, 2011, pursuant to prior order of this Court [DE 9438] is
11 continued to January 19, 2011 at 10:00 a.m.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By /s/ John Hinderaker (AZ #018024)

17 Robert M. Charles, Jr.

18 John Hinderaker (*pro hac vice*)

19 3993 Howard Hughes Parkway, Ste. 600

20 Las Vegas, Nevada 89169-5996

21 Telephone: (702) 949-8320

22 Facsimile: (702) 949-8321

23 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Stoebling Family Trust</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Claim	Date Claim was Filed	Name	Address	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-01134	11/8/2006	Stephen, Tad	119 Hunt Road Fort Leavenworth, KS 66027-1410	54,423.61	43,538.89	10,884.72
10725-00994	11/6/2006	Sterling, Tom	213 Royal Aberdeen Way Las Vegas, NV 89144	50,000.00	40,000.00	10,000.00
10725-01170	10/30/2006	Sterling, Tom	213 Royal Aberdeen Way Las Vegas, NV 89144	50,000.00	40,000.00	10,000.00
10725-00945	11/2/2006	Steebling Family Trust	C/O David Steebing Trustee 3568 E Russell Rd Ste D Las Vegas, NV 89120-2234	50,000.00	40,000.00	10,000.00
10725-00374	10/2/2006	Underpass Trust	Ronald Montesant Ttee 5121 Big River Ave Las Vegas, NV 89130	50,000.00	40,000.00	10,000.00
10725-01002	10/27/2006	Yonai, Gregory D Family Trust	C/O Gregory D Yonai Ttee 1982 Country Cove Ct Las Vegas, NV 89135-1552	55,500.00	44,400.00	11,100.00
10725-02324	1/13/2007	Young, Judy S	13825 Virginia Foothills Dr Reno, NV 89521-7394	101,552.77	81,242.22	20,310.55

EXHIBIT A

2456889.1